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4 Attorney for Defendant ERIC W. KENNEDY

7 **UNITED STATES DISTRICT COURT**
8 **EASTERN DISTRICT OF CALIFORNIA**

10 THE UNITED STATES OF AMERICA,

Case No. 02-0356JAM

11 Plaintiff,

12 vs.

13 ERIC W. KENNEDY,

14 Defendant.

15 / **STIPULATION AND ORDER FOR
COURT TO CONDUCT IN-CAMERA
REVIEW OF MENTAL HEALTH
RECORDS PRODUCED BY THE
CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
REHABILITATION**

16 The defendant herein, ERIC W. KENNEDY, through counsel, Tim A. Pori, and the
17 California Department of Corrections and Rehabilitation, through its counsel, Chrisman L.
18 Swanberg, respectfully stipulate for an Order for an *in-camera* inspection of the mental health
19 records to be produced by the California Department of Corrections and Rehabilitation pursuant
20 to a subpoena served on the California Department of Corrections and Rehabilitation calling for
21 the production of the mental health records of defendant ERIC W. KENNEDY.

22 Pursuant to the Application To Produce Medical and Mental Health Records and
23 Qualified Protective Order filed on February 16, 2011 (Document number 47), the California
24 Department of Corrections and Rehabilitation shall deliver to the above-entitled Court, all
25 records in its possession responsive to the subpoena for an *in camera* inspection by the Court to
26 determine if any of all of the subject confidential documents should be produced under the
27 protective order contained in the Application.

1 The parties respectfully request that the Court conduct an *in camera* review and decide
2 what, if any, documents should be produced under the terms of the protective order.

Respectfully submitted

Dated: February 17, 2011

/s/ Tim A. Pori
TIM A. PORI
Attorney for Defendant KENNEDY

Dated: February 17, 2011

/s/ Chrisman L. Swanberg (Authorized
2/17/11)
CHRISMAN L. SWANBERG
Staff Counsel IV
Receiver's Office of Legal Affairs
Division of Prison Healthcare Services
California Department of Corrections
and Rehabilitation

ORDER

Good cause appearing,

IT IS SO ORDERED.

DATED: 2/17/2011

/s/ John A. Mendez
U. S. DISTRICT COURT JUDGE